

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION**

ROBERT F. KENNEDY, JR. ET AL.

CIVIL ACTION NO. 3:23-cv-00381

VERSUS

JUDGE: TERRY A. DOUGHTY

JOSEPH R. BIDEN ET AL.

MAG. JUDGE: KAYLA D. MCCLUSKY

**MOTION FOR LEAVE
TO FILE VERIFICATION OF COMPLAINT,
VERIFICATION OF COMPLAINT,
AND PROPOSED ORDER**

Notice of Motion

Please take NOTICE that Plaintiffs in the above-captioned action HEREBY SEEK LEAVE TO FILE THE ATTACHED VERIFICATION OF COMPLAINT.

Memorandum in Support of Motion

Parties in federal court may verify a pleading after that pleading is filed. *See, e.g., Turner v. Clelland*, No. 1:15CV947, 2016 U.S. Dist. LEXIS 164965, at *13 & n.7 (M.D.N.C. Nov. 30, 2016) (on summary judgment, plaintiff may rely on verified complaint where verification was filed after complaint was filed); *Fradkin v. Ernst*, 98 F.R.D. 478, 483 n.3 (N.D. Ohio 1983); *cf. Allen v. Discovery Communs., LLC*, No. PWG-15-1817, 2016 U.S. Dist. LEXIS 108105, at *8 (D. Md. Aug. 16, 2016) (“Certainly, an unverified charge may be verified at a later date and that verification will relate back to the date of filing.”).

Accordingly, Plaintiffs seek to file the attached Verification of Complaint. Specifically,

Plaintiffs will verify: **(1)** on the basis of personal knowledge all allegations concerning themselves in paragraphs 30-45, 405-407, and 433-440 of the Complaint; and **(2)** all other allegations on the basis of knowledge, information and belief.

Plaintiffs are not aware of any authority requiring permission to file a verification, but out of respect for the Court's inherent authority, Plaintiffs hereby ask the Court's leave. Plaintiffs have conferred with Defendants, and Defendants consent to Plaintiffs' personal-knowledge verification on the following terms, agreed to by all parties:

It is Defendants' position that in the context of a preliminary injunction motion, verified pleadings must be based on personal knowledge alone, not on knowledge, information, and belief. *See, e.g., Atakapa Indian de Creole Nation v. Edwards*, No. 19-28-SDD-EWD, 2019 WL 245917, at *2 (M.D. La. Jan. 17, 2019) (in context of preliminary injunction motion, holding that under Fifth Circuit precedent, "verified pleadings 'must be based on personal knowledge alone not verified only on knowledge, information, and belief'"). Plaintiffs do not agree with this view, but nevertheless represent that in their forthcoming Preliminary Injunction Reply brief, they will rely on allegations in the Complaint only when those allegations have been verified upon personal knowledge. Based on Plaintiffs' representation, Defendants consent to Plaintiffs submitting personal-knowledge verifications of paragraphs 30-45, 405-407, and 433-440 of the Complaint, and otherwise take no position on Plaintiffs' motion.

For the foregoing reasons, Plaintiffs ask the Court to grant leave to file the attached Verification of Complaint.

Respectfully submitted:
WELBORN & HARGETT, LLC

/S/ G. Shelly Maturin, II

BY: _____

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CERTIFICATE OF SERVICE

This is to certify that a copy of the above and foregoing has been served on all known counsel of record via facsimile transmission, e-mail and/or by placing same in the U.S. Mail, properly addressed and postage pre-paid on this 30th day of June, 2023.

/s/ G. Shelly Maturin, II

G. SHELLY MATURIN, II